BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

IN RE APPLICATION OF:	Jaap BAKKER et al.
SERIAL NO.:	10/561,759
FILED:	July 28, 2006
TITLE:	GUIDE, ASSEMBLED GUIDE AND DEVICE FOR CONDITIONING PRODUCTS DISPLACEABLE ALONG A GUIDE TRACK
Group/A.U.:	3651
Examiner:	Kavel Singh
Conf. No.:	1638
Docket No.:	P06937US0

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF NON-COMPLIANT
APPEAL BRIEF 37 CFR 41.37

Dear Sir:

This section of an appeal brief is in response to the Notification of Non-Compliant Appeal Brief (37 CFR 41.37) dated July 8, 2008 in response to the Appeal Brief which was submitted in response to the Final Office Action dated September 14, 2007.

V. Summary of Claimed Subject Matter:

Claim 1 relates to a guide for supporting a displaceable object having a plastic guide profile 30 having a guide surface over which displaceable objects can slide directly or

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Timothy J. Zarley

support structure 32. At least one engaging position of which consists of a free support of the guide profile 30 on the support structure 32 such that the freely supporting side of the guide profile 30 is displaceable relative to the support structure 32. (See Page 1, lines 28-30; Page 6, lines 2-6 and see Fig. 5).

Claim 2 adds the limitation that the guide profile 30 is coupled rigidly on one side to support structure 32. *Id.*; *see also* Page 2, lines 3-6. Claim 3 adds the limitation that the guide profile 30 is provided with a three-dimensional contact surface 33 at the position where it supports freely on support structure 32. *Id.*; *see also* Page 2, lines 12-15. Claim 4 adds the limitation that support structure 32 is provided with a three-dimensional contact surface 34 at the position where guide profile 30 supports freely thereon. *Id.*

Claim 5 adds the limitation that the free support of guide profile 30 on support structure 32 is formed by a recess 33 in guide profile 30 in which an engaging part 34 of support structure 32 engages close-fittingly and displaceably. *Id.*; *see also* Page 2, lines 19-21. Claim 6 further limits claim 5, requiring that a free space is enclosed between engaging part 34 of support structure 32 and a part of the recess 33 on the side remote from the engaging part 34, in which recess 33 the engaging part 34 is axially displaceable. *Id.*; *see also* Page 2, lines 21-24. Claim 7 further limits claim 6, requiring that recess 33 with the engaging part 34 displaceable therein is formed such that the direction of displacement of engaging part 34 relative to recess 33 is at least substantially parallel to the guide surface. *Id.*; *see also* Page 2, line 32 - Page 3, line 1.

part 34 relative to recess 33 is at least substantially parallel to the guide surface. *Id.*; *see also* Page 2, line 32 - Page 3, line 1.

Claim 9 adds the limitation to claim 1 that guide profile 30 is manufactured from a high-molecular weight polyethylene, while claim 10 requires guide profile 30 to be metal. *Id.*; *see also* Page 3, lines 11-15. Claim 11 adds to claim 5 the addition limitation that engaging part 34 of support structure 32 and recess 33 in guide profile 30 are at least substantially cylindrical. *Id.*; *see also* Page 3, lines 17-18.

Claim 12 adds the limitation that guide profile 30 is provided on opposite sides with engaging positions. *Id.*, *see also* Page 3, lines 22-23. Claim 13 adds the limitation that a plurality of guide profiles 30 are mutually connected with a gap to each other. *Id.*; *see also* Page 3, lines 25-27. Claim 15 further limits claim 13, requiring that the guide profiles 30 are engaged by a single support structure 32, while claim 16 limits claim 13 by requiring that guide profiles form a helical guide track 22. *Id.*; *see also* Page 3, line 32 - Page 4, line 2; Fig. 4.

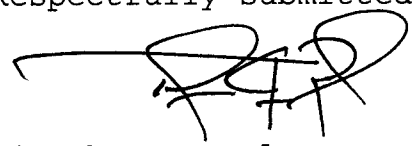
Claim 17 depends from claim 13, and further requires a displacing means for displacing products along the plurality of guide profiles 30, a housing 23 at least partially enclosing the plurality of guide profiles 30 and the displacing means, and conditioning means for regulating the atmosphere in housing 23. *Id.*; *see also* Page 4, lines 7-11; Fig. 4.

Claim 18 adds to claim 17 the limitation that the conditioning means comprise temperature-regulating means. *Id.*; *see also* Page 4, lines 11-12. Claim 19 adds to claim 17 the limitation that the assembled plurality of guide profiles

requires that a rotatable core be placed in the helical conveyor track 22. *Id.; see also* Page 4, lines 14-15. Claim 21 adds to claim 17 the limitation that the displacing means comprise a driven endless conveyor track. *Id.; see also* Page 4, lines 15-18.

No other fees or extensions of time are believed to be due in connection with this response; however, consider this a request for any fee or extension inadvertently omitted, and charge any additional fees to Deposit Account 50-2098.

Respectfully submitted,



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